

# COUNTY OF YORK

## MEMORANDUM

**DATE:** January 15, 2002 (BOS Mtg. 1/15/02)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator

**SUBJECT:** Application No. YVA-9-02, Grace Episcopal Church

### **ISSUE**

This application requests a change in use in the Yorktown Village Activity District, pursuant to Section 24.1-327(b)(4) of the Zoning Ordinance, to convert a single-family detached home from residential use to church-related use as an accessory structure to Grace Episcopal Church, which is adjacent to the subject parcel. The property is located at 109 Church Street and is further identified as Assessor's Parcel Nos. 18A-1-40 and 18A-1-133E.

### **DESCRIPTION**

- Property Owner: Grace Episcopal Church
- Location: 109 Church Street (Route 1003)
- Area: 0.28 acre
- Frontage: None
- Utilities: Public water and sewer are available.
- Topography: Mostly flat with steep slopes to the west and the east
- 2015 Land Use Map Designation: Yorktown
- Zoning Classification: YVA – Yorktown Village Activity
- Existing Development: Single-family detached residence (unoccupied as a residence since its acquisition by the Church)
- Surrounding Development:
  - North: Yorktown Pub and accessory storage building; single-family detached home
  - East: None
  - South: Grace Episcopal Church

West: Two single-family detached homes

- Proposed Development: Use of an existing single-family detached home as an accessory structure for church-related uses

### **CONSIDERATIONS/CONCLUSIONS**

1. Grace Episcopal Church is located at 111 Church Street in Yorktown and recently purchased the house next door with the intent of using it as an accessory structure for various church activities including small group meetings, Sunday School classes, and indoor and outdoor social activities. (A complete list is attached to this memo.) Churches (and accessory church structures) are permitted in the Yorktown Village Activity (YVA) zoning district. However, pursuant to Section 24.1-327(b)(4) of the Zoning Ordinance, any changes in use of land, buildings, or structures within the district where the proposed new use is not similar in type, size, scope and intensity to the previous use is subject to review and approval by the Board of Supervisors.
2. The Comprehensive Plan designates Yorktown as an historical village without reference to specific land uses. The intent of this designation is to recognize the unique history of the town and to encourage development that is consistent with the historic, residential, and commercial land uses already present.
3. The subject building is an approximately 2,700-square foot home occupying two parcels totaling approximately 12,200 square feet in area. The only potential impacts of the proposed use would be on the two single-family detached homes located to the west, one of which is within approximately thirty feet (30') of the subject house. The church is located immediately to the south. The Yorktown Pub, which fronts on and is oriented toward Water Street, lies to the north of the property, which sits on a bluff approximately sixteen feet (16') above the Pub. A former motel building now used for storage lies between the Pub and the subject property.

Although churches (and accessory church structures) can sometimes have significant external impacts on residential development with regard to traffic, on-street parking, and noise, they are generally considered to be compatible in a residential setting. Consequently, places of worship are permitted as a matter of right in every residential zoning district with the exception of the RC (Resource Conservation) district. They are also permitted in the NB (Neighborhood Business), LB (Limited Business), and GB (General Business) zoning districts.

4. Like many churches, Grace Episcopal Church occasionally conducts outdoor activities such as picnics, fairs, social events, etc. Because of the subject property's location on a bluff overlooking the York River, it has been used for viewing the Yorktown fireworks display on July 4<sup>th</sup>. Section 16-19 of the York County Code prohibits unnecessary and excessive noise in residential areas; however, it does not apply to "noise or sound which customarily accompanies activities of churches and synagogues." Nevertheless, in consideration of the adjacent residence, I believe it would be appropriate to

prohibit outdoor activities before 8:00 a.m. or after 10:00 p.m., and a condition to this effect is included in the proposed approving resolution.

5. The property has no street frontage. A driveway that lies within a fifteen-foot (15') wide ingress/egress easement provides access from the residence to Church Street. This driveway was used by the former owner of the residence as the sole vehicular access to their property. Staff anticipates that any non-residential use of the property by Grace Church will generate less traffic (use) of this driveway than was formerly the case since the church plans to use it only for handicapped access and short-term loading, and not for parking. The adjacent property owner has expressed concern about excessive use of the driveway by the general public, and I believe that is a legitimate issue. However, with appropriate and strict use guidelines for the property and its use, I believe the church should be capable of managing and preventing inappropriate use of the driveway.
6. The church does not propose to provide any additional parking as part of this application, and none is required. Parking requirements for places of worship are calculated based on the number of fixed seats in the main assembly area and the size of assembly area without fixed seats. Since the accessory building would not be considered "assembly area," it would not generate a need for additional parking.

Grace Episcopal Church has an on-site parking lot, and overflow parking is accommodated in the County-owned parking lot behind York Hall and on Church Street, which is a narrow dead-end road serving approximately six homes (including the subject parcel), the church, and York Hall. It is approximately 580 feet long and fifteen feet wide. Because of the significant difference in elevation between the two parcels, the church has recently constructed an outdoor staircase from the parking lot down to the subject parcel. This will provide for pedestrian access from the existing church parking lot to the building. As noted above, the existing driveway will be used to provide handicapped access.

7. The accessory structure is not expected to increase traffic in the peak-hour, which, for the church, occurs on Sunday mornings. Staff does not believe that the accessory building will generate any new trips on Sunday mornings that would not otherwise occur. In other words, most people driving to the site for Sunday school or a Sunday morning meeting would likely have been driving to the church anyway for Sunday morning services. The church conducts multiple Sunday morning services (at 7:50, 9:05, and 11:15). The Sunday School schedule is structured so that classes do not conflict with services.
8. Although it is seeking approval to change the property from residential to church use, the Church wishes to retain the option of continuing the residential use of the property should it so desire. One alternative under consideration is to use the house as living quarters for the Rector, which would be permitted as an accessory structure to the Church. Another possible alternative would be to use the house as a rental property for the purpose of generating additional revenue for the Church. Either use would be appropriate and compatible with surrounding development, so I see no reason not to

permit continued residential use of the property if that is how the Church ultimately decides to utilize it.

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission considered this application at its regular meeting on December 12, 2001. Subsequent to conducting a public hearing at which three citizens spoke in opposition to the application, the Commission voted 6:0 (Mr. Semmes absent) to recommend denial.

### **COUNTY ADMINISTRATOR RECOMMENDATION**

In any other residential zoning district in the County, this proposal would be permitted as a matter of right. Because it is in Yorktown, however, special scrutiny is required to ensure that the sensitive character of this unique village will be protected. Yorktown is not like any other residential area of the County. Development in the village – including Church Street – consists of an eclectic mix of residential, commercial, tourist-related, municipal, and institutional land uses, many of them in reasonably close proximity to one another. The homes that would be most affected by the proposed use are located directly adjacent or in close proximity to the Yorktown Pub, the Waterstreet Landing restaurant, and the Duke of York Motel. I am of the opinion that the proposed change in use can be accommodated without harming the character of the area or having significant impacts on adjacent properties. Indoor activities such as classes and meetings will not have significant parking or traffic impacts. While outdoor activities may at times be able to be heard and viewed from the adjacent home, such situations would be infrequent. Given the location of the properties “above” the Water Street commercial area, the potential uses that might be conducted by the church would not, in my opinion, be problematic. Furthermore, such impacts, if any, would be no different from those associated with any church located in a residential area, of which there are many in the County. For these reasons, I recommend that the Board approve this application subject to the conditions contained in proposed Resolution No. R02-4.

Carter/3337

Attachments

- Excerpts from Planning Commission Minutes of December 12, 2001
- Zoning Map
- Vicinity Map
- Survey Plat
- Project Narrative
- Proposed Resolution No. R02-4